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10/824,439	04/15/2004	Tetsuya Sawano	06-49-0955P	6298
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EXAMINER				
HERRERA, DIEGO D				
ART UNIT		PAPER NUMBER		
2617				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/824,439

Applicant(s)

SAWANO, TETSUYA

Examiner

Diego Herrera

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/26/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilcock et al. (US 6741864B2), and in view of Gudat et al. (US 561815).

Regarding claim 1. Wilcock et al. discloses an image processing server (fig. 9, 11-12; col. 9 lines: 45-56, Wilcock et al. teaches server uniting information to image), comprising:

a communication unit that receives image data from a mobile communication device, the image data having been sensed by the mobile communication device (fig. 11, col. 10 lines: 11-29, Wilcock et al. teaches image being uploaded to mobile from camera then receiving information about location related to image and coordinates);

a specifier that specifies a position of the mobile communication device based on Global Positioning System (GPS) information relating to a base station representing a communication region where the image data was sensed by the mobile communication device (fig. 4, 5 col. 4 lines: 38--col. 5 lines: 25, Wilcock et al. teaches the use of a camera with a GPS receiver receiving data about date, and other data as viewed in fig. 4); and

However, Wilcock et al. does not disclose specifically about mobile device receiving information about location related to base station, nonetheless, Gudat et al. teaches about mobile device receiving information about location related to base station and mobile device (fig. 17, col. 24 lines: 17-40; Gudat et al. teaches GPS information related to mobile device and base station).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include the data information related of both the mobile device and base station as taught by Gudat et al. for

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the purposes estimating direction and position of the device. One of ordinary skilled in the art would be motivated to include GPS data parameter to be included in the picture.

an adder that adds first position information indicative of the specified position to the image data as attribute information of the image data (fig. 4, 5 col. 4 lines: 38--col. 5 lines: 25, Wilcock et al. teaches the use of a camera with a GPS receiver receiving data about date, and other data as viewed in fig. 4).

Regarding claim 5. Wilcock et al. discloses an image processing server (fig. 9, 11-12; col. 9 lines: 45-56, Wilcock et al. teaches server uniting information to image), comprising:

a communication unit that receives image data and first global positioning system (GPS) position information, the image data have been sensed by a mobile communication device (fig. 11, col. 10 lines: 11-29, Wilcock et al. teaches image being uploaded to mobile from camera then receiving information about location related to image and coordinates); and
the first GPS position information relating to a base station representing a communication region where the image data was sensed by the mobile communication device—However, Wilcock et al. does not discloses GPS information relating to a base station; nevertheless, Gudat et al. does discloses information relating to base station and mobile device regarding GPS information (fig. 17, col. 24 lines: 17-40; Gudat et al. teaches GPS information related to mobile device and base station);

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was to specifically include the GPS information relating to the base station as taught by Gudat et al. for the purposes of having correct information tandem to the GPS information, one skilled in the art would be motivated to include this information unto a photo or image file.

an adder that adds second position information; indicative of a position where the image sensor in the mobile communication device sensed the image data, to the image data sensed by the image sensor as attribute information of the image data based on the first position information (fig. 4, 5 col. 4 lines: 38--col. 5 lines: 25, Wilcock et al., teaches the use of a camera with a GPS receiver receiving data about date, and other data as viewed in fig. 4).

Regarding claim 12. An image processing server (fig. 9, 11-12; col. 9 lines: 45-56, Wilcock et al. teaches server uniting information to image), comprising: means for receiving image data from a mobile communication device the image data having been sensed by the mobile communication device (fig. 11, col. 10 lines: 11-29, Wilcock et al. teaches image being uploaded to mobile from camera then receiving information about location related to image and coordinates);

However, Wilcock et al. does not disclose specifically about mobile device receiving information about location related to base station, nonetheless, Gudat et al. teaches about mobile device receiving information about location related to base station (fig. 17, col. 24 lines: 17-40; Gudat et al. teaches GPS information related to mobile device and base station);

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was to specifically include the GPS information relating to the base station as taught by Gudat et al. for the purposes of having correct information tandem to the GPS information, one skilled in the art would be motivated to include this information unto a photo or image file.

Regarding claim 16. An image processing server, comprising: means for receiving image data and first Global positioning system (GPS) position information, the image data having been sensed by a mobile communication device (fig. 11, col. 10 lines: 11- 29, Wilcock et al. teaches image being uploaded to mobile from camera then receiving information about location related to image and coordinates); However, Wilcock et al. does not disclose specifically about mobile device receiving information about location related to base station, nonetheless, Gudat et al. teaches about mobile device receiving information about location related to base station (fig. 17, col. 24 lines: 17-40; Gudat et al. teaches GPS information related to mobile device and base station); Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was to specifically include the GPS information relating to the base station as taught by Gudat et al. for the purposes of having correct information tandem to the GPS information, one skilled in the art would be motivated to include this information unto a photo or image file; and means for adding second position information, indicative of a position where an image sensor in the mobile communication device sensed the image data, to

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the image data sensed by the image sensor as attribute information of the image data based on the first position information (fig. 4, 5 col. 4 lines: 38--col. 5 lines: 25, Wilcock et al. teaches the use of a camera with a GPS receiver receiving data about date, and other data as viewed in fig. 4).

Regarding claim 21. A method of providing location information to image date, the location information indicative of the location where the image data was sensed (fig. 4, 5 col. 4 lines: 38--col. 5 lines: 25, Wilcock et al. teaches the use of a camera with a GPS receiver receiving data about date, and other data as viewed in fig. 4), comprising: receiving a message from a mobile communication device, the message including image data sensed by the mobile communication device (fig. 11, col. 10 lines: 11-29, Wilcock et al. teaches image being uploaded to mobile from camera then receiving information about location related to image and coordinates);

However, Wilcock et al. does not disclose specifically about mobile device receiving information about location related to base station, nonetheless, Gudat et al. teaches about mobile device receiving information about location related to base station (fig. 17, col. 24 lines: 17-40; Gudat et al. teaches GPS information related to mobile device and base station);

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was to specifically include the GPS information relating to the base station as taught by Gudat et al. for the purposes of having correct information tandem to the GPS information, one skilled in the art would be

motivated to include this information unto a photo or image file.

Consider claim 2. The combination of Wilcock et al. and Gudat et al. discloses the image processing server of claim 1, further, comprising: a database that stores global positioning system (GPS) information for a plurality of base stations (fig. 10.qaki, fig. 1 Wilcock); wherein the specifier specifies the position of the mobile communication device based on base station related information, the base station being used in transmitting the image data and the database storing the GPS information in association with the base station related information (fig. 3-5, 11-12, 17; col. 8 lines: 39-51, col. 10 lines: 11-30, Wilcock et al. teaches system receiving information from mobile to service system storing information such as GPS location data).

Consider claim 3. (Original) The image processing server of claim 1, The combination of Wilcock et al. and Gudat et al. discloses wherein the first position information includes at least one of global positioning system (GPS) information, address information and a place name (fig. 3-5, 11-12, 17; col. 8 lines: 39-51, col. 10 lines: 11-30, Wilcock et al. teaches system receiving information from mobile to service system storing information such as GPS location data).

Consider claim 4. (Currently Amended) The image processing server of claim 2, The combination of Wilcock et al. and Gudat et al. discloses wherein the base station related information includes a base station number of the base station

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(col. 10 lines: 45-67, Wilcock et al. teaches information from location server or GPS information).

Consider claim 6. (Currently Amended) The image processing server of claim 5, The combination of Wilcock et al. and Gudat et al. discloses wherein the first position information includes at least one of global positioning system (GPS) information, address information and a place name (col. 8 lines: 39-51, col. 10 lines: 11-30, Wilcock et al. teaches system receiving information from mobile to service system storing information such as GPS location data).

Consider claim 7. The image processing server of claim 5, The combination of Wilcock et al. and Gudat et al. discloses wherein the second position information includes at least one of a base station number and a place name, obtained from a base station (fig. 3-5, col. 8 lines: 39-51, col. 10 lines: 11- 30, Wilcock et al. teaches system receiving information from mobile to service system storing information such as GPS location data).

Consider claim 8. The image processing server of claim 1, The combination of Wilcock et al. and Gudat et al. discloses wherein the adder adds the first position information to an exchangeable information file (Exif) tag of the image data (fig. 4, 5 col. 4 lines: 38--col. 5 lines: 25, Wilcock et al. teaches the use of a camera with a GPS receiver receiving data about date, and other data as viewed in fig.

4).

Consider claim 9. The image processing server of claim 5, The combination of Wilcock et al. and Gudat et al. discloses wherein the adder adds the second position information to an exchangeable information file (Exif) tag of the image data (fig. 4, 5 col. 4 lines: 38--col. 5 lines: 25, Wilcock et al. teaches the use of a camera with a GPS receiver receiving data about date, and other data as viewed in fig. 4).

Consider claim 10. The image processing server of claim 8, The combination of Wilcock et al. and Gudat et al. discloses further comprising: an adder that adds the Exif tag to the image data if the image data received from the mobile communication device does not include an Exif tag (fig. 3, 4, col. 4 lines: 10-33, Wilcock et al. teaches user is able to add label or information not provided originally).

Consider claim 11. The image processing server of claim 9, The combination of Wilcock et al. and Gudat et al. discloses further comprising: an adder that adds the Exif tag to the image data if the image data received from the mobile communication device does not include an Exif tag (fig. 3, 4, col. 4 lines: 10-33, Wilcock et al. teaches user is able to add label or information not provided originally).

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Consider claim 13. The image processing server of claim 12, The combination of Wilcock et al. and Gudat et al. discloses further comprising: a database for storing global positioning system (GPS) information for a plurality of base stations (col. 8 lines: 39-51, col. 10 lines: 11-30, Wilcock et al. teaches system receiving information from mobile to service system storing information such as GPS location data); and wherein the means for specifying specifies the position of the mobile communication device based on the base station related information (fig. 17, col. 24 lines: 17-40; Gudat et al. teaches GPS information related to mobile device and base station), the base station being used in transmitting the image data and the database storing the GPS information ~~associated~~—in association with the base station related information (col. 8 lines: 39-51, col. 10 lines: 11-30, Wilcock et al. teaches system receiving information from mobile to service system storing information such as GPS location data).

Consider claim 14. The image processing server of claim 12, The combination of Wilcock et al. and Gudat et al. discloses wherein the first position information includes at least one of global positioning system (GPS) information, address information and a place name (col. 10 lines: 45-67, Wilcock et al. teaches information from location server or GPS information).

Consider claim 15. The image processing server of claim 12, The combination of Wilcock et al. and Gudat et al. discloses wherein the ~~second~~—position-base station related information includes a base station number of the base station

(fig. 17, col. 24 lines: 17-40; Gudat et al. teaches GPS information related to mobile device and base station).

Consider claim 17. The image processing server of claim 16, The combination of Wilcock et al. and Gudat et al. discloses wherein the second position information includes at least one of global positioning system (GPS) information, address information and a place name (col. 10 lines: 45-67, Wilcock et al. teaches information from location server or GPS information).

Consider claim 18. The image processing server of claim 16, The combination of Wilcock et al. and Gudat et al. discloses wherein the first position information includes at least one of a base station number and a place name, obtained from a base station (fig. 17, col. 24 lines: 17-40; Gudat et al. teaches GPS information related to mobile device and base station).

Consider claim 19. (Original) The image processing server of claim 12, The combination of Wilcock et al. and Gudat et al. discloses wherein the means for adding adds the first position information to an exchangeable information file (Exif) tag of the image data (fig. 4, 5 col. 4 lines: 38--col. 5 lines: 25, Wilcock et al. teaches the use of a camera with a GPS receiver receiving data about date, and other data as viewed in fig. 4).

Consider claim 20. (Currently Amended) The image processing server of claim 16, The combination of Wilcock et al. and Gudat et al. discloses wherein the means for adding adds the second position information to an exchangeable information file (Exif) tag of the image data (fig. 4, 5 col. 4 lines: 38--col. 5 lines: 25, Wilcock et al. teaches the use of a camera with a GPS receiver receiving data about date, and other data as viewed in fig. 4).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diego Herrera whose telephone number is (571) 272-0907. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Diego Herrera/
Examiner, Art Unit 2617

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617